

SPECIAL LEASE AREA STIPULATIONS

Lower Klamath Lake Lease Area (Oregon):
Area K
(Grain Leases)

18. (a) Lands covered by this lease are located within a National Wildlife Refuge and are subject to regulations of the Service as set forth in 50 CFR for management of National Wildlife Refuges.

(b) The following agricultural practices must be strictly observed on lands covered by this lease:

(1) The lessee shall comply with all federal, state, and local laws, rules, and regulations and Department of the Interior policies governing the burning of crop residues and disposal of all pollutants and waste substances.

(2) Row crops may not be grown on the leased premises.

(3) All seed planted must meet the seed certification standards of Oregon and California regarding restricted and prohibited noxious weeds. Treatment of seed borne disease is optional.

(4) Weeds, within each lease lot, both common and noxious, shall be controlled by the lessee at the lessee's expense in a manner satisfactory to the Area Manager.

(c) All machinery, farm equipment, litter, and harvested crops must be removed from the leased premises by December 1 each year, other than the last year of the lease. For the last year of the lease, removal must be complete by October 31, unless written authorization is granted by the Area Manager.

If these items are not removed from the leased premises by the above dates, the lessee will be held responsible for all costs of removal incurred by the Reclamation. The lessee will be barred from future leasing until all costs, so incurred are paid by the lessee.

(d) The lessee, its employees, and contractors shall use only authorized access routes and authorized access points to the leased premises. These routes and points are shown on Reclamation Drawing No. 12-201-5283. The use of any other access routes, other access points, or driving up and down banks, is not allowed without written approval of the Area Manager. All road signs shall be obeyed.

(e) Irrigation Water

(1) The water service charges of Klamath Drainage District are a portion of the lease rental and will be paid by the United States out of this rental.

(2) Reclamation will handle all deliveries of irrigation water to the leased premises and all draining of the leased premises. All requests for irrigation water or draining must be directed to Reclamation office in Klamath Falls, Oregon. The lessee shall not adjust any water control gates or valves leading to or within Lease Area K.

(3) The lessee may flood the leased premises or use other means of quackgrass control provided such activities do not conflict with adjoining land uses and the irrigation system is adequate to deliver sufficient water for flooding, as determined by the Area Manager. If the leased premises are flooded for one year, the lessee shall be expected to pay the normal rental shown in Article 2 for that year.

(4) Generally, the lots in Area K are pre-irrigated in the fall and winter. The United States schedules the pre-irrigation and the spring draining of these lots. If the lessee desires to pre-irrigate or drain at a different time, it must be scheduled with the Area Manager. A different schedule will only be approved if such delivery does not conflict with Reclamation and/or Service activities, as determined by the Area Manager.

(5) Lots in Area K shall not be irrigated other than pre-irrigated as provided in Article 15(e)(4), except at the sole discretion of the Area Manager. The system of canals and drains and the condition of the soils in Area K precludes such irrigation.

(f) The leased premises must be farmed for small grain production (i.e., wheat, barley, or oats). There shall be no deviation from this requirement without prior written approval of the Area Manager.

(g) Grazing of livestock shall not be permitted.

(h) An operation and maintenance (O&M) right-of-way, 10 feet wide, is reserved around the perimeter of the leased premises. The United States, its officers, agents and employees, and its successors and assigns shall not be liable for damages to crops, equipment, or other property located within the O&M right-of-way.

(i) Nematodes: The barley root-knot nematode, Meloidogyne nassi, has been identified on some lands in Area K. In order to prevent the spread of the nematode to the entire Area K lease lands, crop rotation must be followed which will avoid the production of host crops. Host crops include wheat and barley and must not be planted on any portion of the lot for more than two (2) consecutive years. The requirement for planting a nonhost rotational crop, row crops or nematicidal oat cultivars, for suppression of barley root knot nematode in susceptible small grain crops may be waived if the following condition is met on an annual basis:

The absence of barley root knot nematode in barley or wheat is documented by an annual comprehensive soil testing program, OR crop scouting to identify infested fields using a field bioassay technique.

(1) *Soil Testing.* - Soil samples will be collected by a third party designated by the Reclamation lease land manager and Refuge IPM specialist. The third party will collect a composite soil sample from each quadrant of a lease land lot within 1 month following harvest. A composite sample will consist of a minimum of 100 core samples collected to a depth of 1-foot using a standard soil probe. Each core will be collected randomly from throughout the quadrant. Composite soil samples are to be thoroughly mixed from which 1 pint of soil will be submitted to a laboratory designated by Reclamation and the Refuge for analysis. Excess soil will be saved for future testing if deemed necessary by Reclamation and the Refuge. A report for each soil sample will be submitted to Reclamation and the Refuge verifying presence or absence of barley root knot nematode.

(2) *Field Bioassay.* - Lease land lot will be scouted annually for field symptoms of barley root knot nematode by a third party designated by the Reclamation lease land manager and the Refuge IPM specialist. The third party will be trained in field identification of barley root knot nematode and associated crop symptoms. The third party will thoroughly scout each lot using standard scouting techniques up to three weeks prior to harvest. Soil and root samples will be collected from sites where crop growth and development indicate the presence of barley root knot nematode and inspected for root galls typically associated with root knot nematodes. A report for each lease land lot will be submitted to Reclamation and the Refuge verifying the presence or absence of barley root knot nematode.

(j) To the extent any provision of this article conflicts with any other provision of this lease, this article takes precedence.

Lessee's Initials